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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,005	07/25/2003	Robert Norman Webb	2002B110A	3692

23455 7590 07/01/2004

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EXAMINER
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TESKIN, FRED M

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/627,005	<b>Applicant(s)</b> WEBB ET AL.	
	<b>Examiner</b> Fred M Teskin	<b>Art Unit</b> 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>011204</u> . | 6) <input type="checkbox"/> Other: ____.  |

Claims 1-21 are currently pending and under examination herein.

The disclosure is objected to because of the following informalities:

The cross-reference data should be (1) updated to include the present status of the immediate parent application ('466 appln.) and (2) revised by correcting the filing date of application no. 10/433,444. According to Office records, the '444 application was filed on June 2, 2003, not February 14, 2001, as stated in lines 10-11 on page 1.

Appropriate correction of the specification is required.

Claims 15-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(A) Claim 15 is internally inconsistent as to the number of monomers being polymerized. In line 2, the phrase "preparing a homopolymer of an isoolefin" is immediately followed by the language "the reacted monomers ...". The former, being directed to homopolymerizing a single monomer (isoolefin), is inconsistent with the latter reference to reacting "monomers". Clarification and appropriate correction are required.

(B) Claim 15 also is incomplete due to omission of essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Thus, while the claim is directed to a "polymerization method", nowhere in the body of the claim is there a positive recitation of reacting an isoolefin monomer. At the end of line 2 a reference to

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"reacted monomers" appears, but the "reaction" step requisite to preparing the homopolymer has been omitted from the claim. In this regard, compare claim 1, line 5 and claim 8, lines 3-4.

The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Shaffer et al is pertinent to copolymerizing isobutylene and an allylstyrene in the presence of a Lewis acid and an initiator such as 2-chloro-2,4,4-trimethylpentane (note Examples 1-8).

Baade et al is pertinent to the production of butyl rubber under slurry polymerization conditions (note Example 1).

Claims 1-14 are allowable over the prior art of record. Claims 15-21 would be allowable if amended or rewritten to overcome the rejection under 35 U.S.C. 112 set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the process of the claimed invention wherein the Lewis acid and the initiator are contacted with a contact time of from less than 60 sec. prior to contacting with the isoolefin and the diene monomers (claim 1), or the isoolefin and the para-alkylstyrene monomers (claim 8), or the isoolefin (claim 15), is not disclosed nor fairly suggested in

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any prior art document(s) located or identified by the examiner as of the date of this Office action.

Any inquiry concerning this communication should be directed to Examiner F. M. Teskin whose telephone number is (571) 272-1116. The examiner can normally be reached on Monday through Thursday from 7:00 AM - 4:30 PM, and can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FMTeskin/06-25-04



FRED TESKIN  
PRIMARY EXAMINER  
1213